

DISTRICT COURT OF GUAM  
TERRITORY OF GUAM  
CRIMINAL MINUTES  
SENTENCING

**FILED**  
DISTRICT COURT OF GUAM

AUG 29 2005

MARY L.M. MORAN  
CLERK OF COURT

CASE NO. CR-05-00041

DATE: August 29, 2005

HON. S. JAMES OTERO, Designated Judge, Presiding

Court Recorder: Virginia T. Kilgore

Hearing Electronically Recorded 9:07:47 - 9:31:20

Law Clerk: NONE PRESENT

Courtroom Deputy: Leilani Toves Hernandez

CSO: L.. Gogo / J. Lizama

\*\*\*\*\* APPEARANCES \*\*\*\*\*

DEFT: MARVA J. GUERRERO

(X) PRESENT ( ) CUSTODY ( ) BOND (X) P.R.

ATTY: JOHN GORMAN

(X) PRESENT ( ) RETAINED (X) FPD ( ) CJA APPOINTED

U.S. ATTORNEY: KARON JOHNSON

AGENT:

U.S. PROBATION: STEVE GUILLIOT

U.S. MARSHAL: F. TAITAGUE

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(X) COURT STATED THE APPROPRIATE BASE OFFENSE LEVELS

Base offense level: 12

Total offense level: 8

Criminal History Category: I

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT:

Moved for the Court to reduce the term of community service to be imposed on the defendant.

( ) DEFENDANT ADDRESSES THE COURT AND APOLOGIZES

( ) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:

( ) LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

The Court Granted Government's 5K1.1 Motion for Downward Departure.

Based on the recommendation, the Court was going to impose a sentence of three years probation. Government had no objections. Defense argued for a sentence of one year probation.

Government moved for the dismissal of CR-05-00013 - Granted.

DEFENDANT SENTENCED TO PROBATION FOR A TERM OF ONE YEAR.

THE TERM OF PROBATION WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL NOT COMMIT ANY FEDERAL, STATE OR LOCAL CRIMES.
2. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF PROBATION AS SET FORTH BY THE U.S. SENTENCING COMMISSION GUIDELINES.
3. DEFENDANT SHALL PAY A SPECIAL ASSESSMENT OF \$100.00.
4. DEFENDANT SHALL SUBMIT TO THE COLLECTION OF A DNA SAMPLE AT THE DIRECTION OF THE U.S. PROBATION OFFICER.
5. DEFENDANT SHALL NOT USE OR POSSESS A FIREARM OR DANGEROUS WEAPON.
6. DEFENDANT SHALL NOT USE OR POSSESS ILLEGAL CONTROLLED SUBSTANCES.
7. DEFENDANT SHALL PERFORM 100 HOURS OF COMMUNITY SERVICE AS APPROVED BY THE PROBATION OFFICER.

THE COURT WAIVED ALL FINES SINCE IT HAD BEEN DETERMINED THAT THE DEFENDANT DOES NOT HAVE THE ABILITY TO PAY.

COURT STATED THE JUSTIFICATION OF SENTENCE IMPOSED. DEFENDANT WAS ADVISED OF HER APPEAL RIGHTS.

Courtroom Deputy: 